IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
APPEAL NO.1054 OF 2005
IN
WRIT PETITION NO.1273 OF 2005

Bombay Dyeing & Manufacturing
Company Limited .. Appellant

v/s.

Sarva Shramik Sanghatana & ors. .. Respondents

Mr.R.A.Dada, Senior Counsel with Mr.S.K.Talsania, Senior Counsel, Mr.C.U.Singh, Senior Counsel and Mr.A.H.Gokhale i/by M/s.Federal & Rashmikant for the appellant.

Mr.N.M.Ganguli for the respondent No.1.

Mr.R.M.Sawant, Government Pleader for the respondent Nos.2 and 3.

Mr.R.S.Pai with Ms.Hutoxi Tavadia for the respondent No.4.

CORAM : R.M.LODHA AND
ANOOP V. MOHTA, JJ.

DATED : 13th January, 2006

P.C.

Heard.

2. Mr.N.M.Ganguli, the learned counsel for the respondent No.1 in the light of the statement of Mr.R.A.Dada, the learned senior counsel for the appellant made before us and recorded in the order dated 9th January, 2006 submits that as regards 15 Badli workers referred to in the order dated 9th January, 2006, the respondent No.1 accepts the offer made on behalf of the appellant by way of an interim measure during the pendency of the writ petition without prejudice to the rights and contentions of the respondent No.1 in the writ petition.

3. In this view of the matter, we are satisfied that the order dated 10th August, 2005 restraining the present appellant from transferring, alienating, developing or otherwise dealing with the property of the Spring Mills unit deserves to be discharged.

4. We, accordingly, dispose of the appeal by the following order:-

(i) The offer made on behalf of the appellant concerning 15 Badli workers as recorded in our order dated 9th January, 2006 is accepted by the respondent No.1 without prejudice to the rights and contentions of the respondent No.1 in the writ petition. The appellant and the respondent No.1 shall act accordingly.

(ii) The restraint order passed by the learned Single Judge on 10th August, 2005 restraining the present appellant from transferring, alienating, developing or otherwise dealing with the property of the Spring Mill's import unit is discharged subject to the final decision in

the writ petition. It is clarified that in the event of the closure of the Spring Mill being held illegal, the concerned workmen shall be entitled to all the benefits under the law for the time being in force from the date of the closure as if the Spring Mill has not been closed down.

(iii) The concerned workers shall give their option as to whether they want to work as offered and recorded in the order dated 9th January, 2006 or are desirous of wages without work within one week from today and the appellant shall act on such option forthwith.

(iv) It is clarified that the aforesaid arrangement shall not preclude the concerned employees in pursuing other remedy available under law.

(R.M.LODHA, J.)

(ANOOP V. MOHTA, J.)